

Part 2

Process for Issuance and Service of a Subpoena by a Party in Another State

78B-17-201 Issuance of subpoena.

- (1)
- (a) To request issuance of a subpoena under this section, a party must submit a foreign subpoena to a court in the judicial district in which discovery is sought to be conducted in Utah.
 - (b) A request for the issuance of a subpoena under this chapter does not constitute an appearance in the courts of this state.
- (2) When a party submits a foreign subpoena to a clerk of court in Utah, the clerk, in accordance with that court's procedure, shall promptly issue a subpoena for service upon the person to whom the foreign subpoena is directed.
- (3) A subpoena under Subsection (2) must:
- (a) incorporate the terms used in the foreign subpoena; and
 - (b) contain or be accompanied by the names, addresses, and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel.

Enacted by Chapter 278, 2008 General Session

78B-17-202 Service of subpoena.

A subpoena issued by a clerk of court under Section 78B-17-201 must be served in compliance with Rule 4 and Rule 5, Utah Rules of Civil Procedure.

Enacted by Chapter 278, 2008 General Session

78B-17-203 Depositions, production, inspection, and contempt remedies for subpoenas.

Section 78B-6-301 and Utah Rules of Civil Procedure 26 through 37 and 45 apply to subpoenas issued under Section 78B-17-201.

Enacted by Chapter 278, 2008 General Session

78B-17-204 Application to court.

An application to the court for a protective order or to enforce, quash, or modify a subpoena issued by a clerk of court under Section 78B-17-201 must comply with the rules or statutes of Utah and be submitted to the court in the judicial district in which discovery is to be conducted.

Enacted by Chapter 278, 2008 General Session